

MINUTES
MALIBU CITY COUNCIL
QUARTERLY MEETING
JULY 30, 2003
CITY HALL
6:00 P.M.

CALL TO ORDER

Mayor Kearsley called the meeting to order at 6:12 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Mayor Pro Tem Sharon Barovsky, Councilmembers Joan House and Andrew Stern. Councilmember Jeff Jennings arrived at 6:28 p.m.

ALSO PRESENT: Katie Lichtig, City Manager; Julia James, Administrative Services Director; Ed Knight, Interim Planning Manager; Vic Peterson, Building Official; Gail Sumpter, Permit Services Supervisor; Environmental and Building Safety Manager / Deputy Building Official Craig George, Environmental and Building Safety Manager / Deputy Building Official; Claudio Sanchez, Acting City Engineer; Richard Calvin, Maintenance Manager; Paul Adams, Parks and Recreation Director; Barbara Cameron, Grant Consultant; and Lisa Pope, City Clerk

FLAG SALUTE

Parks and Recreation Director Adams led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Stern moved and Councilmember House seconded a motion to approve the agenda. The motion carried 4-0, Councilmember Jennings absent.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was posted on July 25, 2003.

PUBLIC COMMENTS

None.

COUNCIL COMMENTS

Councilmember House stated she received a call regarding library services costs. She stated the City provided \$500,000 more than services delivered. She suggested the possibility of placing an advisory measure on the November 2003 ballot on whether the citizens would like the Council to consider a view protection ordinance.

Councilmember Stern stated he discussed the library matter with Councilmember Jennings and suggested the pitch be presented to the Council.

Mayor Kearsley explained that library funding was a policy decision which would require staff input. He stated he would not put this on a priority list.

Councilmember Stern suggested that the man submit something in writing.

Mayor Pro Tem Barovsky echoed comments by Councilmember Stern and suggested a Council ad hoc committee review the material and report to the Council.

Councilmember House suggested scheduling the matter for a future quarterly meeting.

Mayor Pro Tem Barovsky indicated support for placing an advisory measure on the November 2003 ballot. City Manager Lichtig indicated it was not feasible due to time constraints.

Councilmember House suggested the question of a view protection ordinance be placed on the April 2004 ballot.

Mayor Kearsley indicated objection because he did not want the issue confused with the City Council election.

Councilmember Stern suggested obtaining additional information on view protection ordinances prior to placing an advisory measure on the ballot.

Councilmember House stated it would only be advisory to determine whether the community was interested in pursuing a view protection ordinance.

Mayor Kearsley stated there were unanswered questions that needed to be resolved prior to putting the matter on a ballot.

Councilmember Stern suggested such an ordinance be tested in a specific area prior to citywide implementation.

Mayor Kearsley discussed staffing constraints and workload.

Councilmember House suggested adding discussion of a view protection ordinance to the next quarterly agenda.

CONSENSUS

By consensus the Council agreed to add the item to the next quarterly meeting.

1. **NEW BUSINESS**

A. **Fourth Quarter Financial Report**

Administrative Services Director James presented the staff report.

Councilmember House discussed the information provided by Administrative Services Director James regarding major expenditures incurred by the City. She suggested the Council review the information and be mindful when allocating general reserve funds.

Councilmember Jennings arrived at 6:28 p.m.

MOTION: Councilmember House moved and Mayor Pro Tem Barovsky seconded a motion to appropriate additional funds as follows:

- 1) \$200,000 to the Building Safety Division's budget to cover additional costs;
- 2) \$8,000 to the Air Quality Management District (AQMD) Fund;
- 3) \$15,000 to the Malibu Road Landslide Maintenance District Fund;
- 4) \$64,000 to the Big Rock Contingency Fund budget;
- 5) \$7,000 to the Corral Canyon Road Project Fund 310 to cover additional expenditures which will be reimbursed by grant funds; and
- 6) Transfer of \$20,583 from the General Fund to the Local Law Enforcement Block Grant (LLEBG) Fund to cover expenses of the J-Team member.

The motion carried unanimously.

B. Fourth Quarter Fiscal Year 2002-2003 Council Goals Status Report

City Manager Lichtig indicated she was available to respond to questions.

Mayor Pro Tem Barovsky asked if the Open Space Feasibility Study in the Civic Center area would be put on hold. City Manager Lichtig indicated she would recommend putting it on hold.

Councilmember Jennings suggested adding a Council Goal of obtaining grants for purchase of the Chili Cook-off site.

CONSENSUS

By consensus the Council agreed to add obtaining grant funds for purchase of the Chili Cook-Off site to Council Goals.

Councilmember House suggested that funding for capital improvement projects be indicated.

Councilmember Jennings discussed amendments to the LCP. He suggested adjusting the schedule to allow adequate public review. City Manager Lichtig indicated the minimum public review period was 45 days. She stated the consultant had begun incorporating the Council's actions related to the Malibu Bay Company development agreement into the LCP. Councilmember Jennings stated the Council should consider how long the review period should be. Councilmember Jennings suggested a 60-90 day review period.

CONSENSUS

By consensus, the Council directed staff to delay Council consideration of the LCP amendments until the second meeting in October 2003.

C. Fourth Quarter Fiscal Year 2002-2003 Work Program Status reports

1. Administrative Services

Administrative Services Director James indicated she was available to respond to questions.

Mayor Pro Tem Barovsky suggested Gail Sumpter apply for the Emergency Services Coordinator position.

Councilmember House questioned whether Community Development Block Grant (CDBG) funds could be used for senior functions. Administrative Services Director James indicated the funds could only be used for capital improvement projects. She discussed potential projects for use of the funds.

Parks and Recreation Director Adams discussed the possibility of utilizing CDBG funds for Las Flores Park and for Americans with Disabilities Act (ADA) compliance at other facilities.

Mayor Pro Tem Barovsky asked about a shuttle for the senior center and whether it would qualify for funding. Parks and Recreation Director Adams indicated prices were being obtained and it would qualify for funding.

Councilmember Jennings asked the status of the personnel policies and procedures manual. Administrative Services Director James discussed time constraints and delays. City Manager Lichtig discussed recent all employee training sessions.

Mayor Kearsley asked if the training sessions were documented. City Manager Lichtig indicated attendance was documented.

2. Environmental and Community Development Department

Environmental and Community Development Director Peterson requested the Council adjourn the meeting in honor of the retirement of Permit Services Technician Sonia Bonner.

He provided an overview of the Environmental and Community Development Department Work Program Status Report for Fourth Quarter 2002-2003.

Councilmember Stern asked if illegal building had increased. Environmental and Community Development Director Peterson indicated illegal construction activities were occurring.

Permit Services Supervisor Sumpter highlighted the Permit Services Division activities during the Fourth Quarter.

Councilmember Stern asked the biggest thing someone would try to get away without a permit. Permit Services Supervisor Sumpter indicated a 500-800 square foot addition. Environmental and Community Development Director Peterson stated illegal grading was occurring.

Councilmember House commended Permit Services Supervisor Sumpter.

Mayor Kearsley expressed concern about consultant outsourcing, specifically with Willdan. He questioned oversight of consultants. Environmental and Community Development Director Peterson explained plan check fees as approved by the Council. He assured the Council that the City and residents were not being overcharged. He discussed review of building fees and indicated electrical fees may have been calculated too high. He indicated that the fees may have to be adjusted downward to be fair to the applicants and the contractors.

Mayor Kearsley questioned Willdan's fees. Environmental and Community Development Director Peterson explained the fee analysis conducted to re-establish fees. Mayor Kearsley questioned geology review adding services not required by Code. Environmental and Community Development Director Peterson suggested residents contact him to discuss issues of concern. Mayor Kearsley suggested a third-party audit. He suggested the use of a real time bar code system.

Councilmember Jennings discussed revisions to the geology guidelines and increased requirements. He questioned costs charged by Willdan for plan check. Environmental and Community Development Director Peterson explained that Willdan receives a flat fee.

Mayor Kearsley asked if it would be more cost effective to bring plan check and geology services in-house. Environmental and Community Development Director Peterson explained that a sample set of plans was sent to a local company as a test run due to concerns about Willdan availability, turnaround time and costs.

Councilmember Jennings encouraged seeking alternative plan check services.

Mayor Pro Tem Barovsky complimented Environmental and Community Development Director Peterson and counter personnel.

Environmental and Building Safety Manager / Deputy Building Official George discussed the process involved when plans were submitted for plan check.

Mayor Kearsley asked if digitizing had begun. Environmental and Building Safety Manager / Deputy Building Official George explained that development of the process was ongoing but not yet fully implemented.

Environmental and Building Safety Manager / Deputy Building Official George discussed recent activities in the Environmental and Building Safety / Inspections Division.

Councilmember Stern complimented the Inspections Division on its inspection services.

Councilmember House indicated support for adjourning in appreciation of Sonia Bonner.

CONSENSUS

By consensus, the Council indicated its support for adjourning in appreciation of Sonia Bonner for her retirement.

Councilmember Jennings asked about the inspection process for grading. Environmental and Building Safety Manager / Deputy Building Official George discussed grading review and inspection.

Mayor Pro Tem Barovsky left the meeting at 7:35 p.m.

C. **Fourth Quarter Fiscal Year 2002-2003 Work Program Status Reports**

3.(a) Public Works

Acting City Engineer Sanchez discussed highlights of the 4th Quarter Fiscal Year 2002-2003 Public Works / Engineering Department and Capital Improvement Projects Status Report.

Maintenance Manager Calvin discussed the status of commercial recycling efforts. He requested direction from Council to require increased recycling.

Councilmember House indicated support for fining commercial establishments for not recycling.

City Manager Lichtig suggested placing an item on a future agenda regarding options for recycling enforcement. She suggested the matter come back to Council in approximately 60 days.

Councilmember Jennings supported researching how other cities enforce compliance. He suggested the possibility of rewarding compliance.

City Manager Lichtig discussed the requirements of AB939.

Councilmember House asked about the funding source for the Morning View Connector Trail. Acting City Engineer Sanchez indicated grant funds would be utilized if available, but the project was currently unfunded.

Councilmember House commended the department on their work in the absence of a Public Works Director.

Mayor Kearsley thanked the Public Works Department for their efforts on Winter Canyon.

3.(b) Capital Improvement Projects Status Report

Councilmember Jennings asked if Capital Improvements were on track for meeting grant fund requirements. Acting City Engineer Sanchez stated staff was on track and applying for any necessary extensions.

4. Parks and Recreation

Parks and Recreation Director Adams provided an overview of the 4th Quarter Fiscal Year 2002-2003 Work Program Status Report for the Parks and Recreation Department.

Councilmember Jennings encouraged development of evening programs for teens.

Councilmember House congratulated the Parks and Recreation Department on their work.

Mayor Kearsley congratulated Parks and Recreation, particularly on the senior center. He suggested establishing a donation program for used laptop computers. Parks and Recreation Director Adams discussed the success of the computer classes and indicated staff was reviewing options, including grant funds and donations, for obtaining additional computers.

City Manager Lichtig explained the Council policy regarding donations and requested a waiver for computer donations.

Councilmember House discussed City funding of Dial-a-Ride and suggested trying to raise funds for the senior center.

5. City Clerk

City Clerk Pope indicated there had been extra meetings during the last quarter. She indicated that numerous subpoenas, summons or requests for administrative records had been made. She stated work has begun on implementation of the Records Management Project. She discussed the Fair Political Practices Commission and additional requirements by City Clerks. She updated the Council on the status of other matters in the City Clerk's office. She answered questions regarding upcoming elections.

6. City Attorney

No report was provided.

7. City Manager

City Manager Lichtig summarized the City Manager's Department 4th Quarter Fiscal Year 2002-2003 Work Program Status Report.

Councilmember House asked about the Marine Mammal Stranding Response Grant to National Oceanographic and Atmospheric Administration (NOAA). Grant Consultant

Cameron stated staff had been informed that the City would most likely be granted a \$100,000 grant with matching funds from California Wildlife Center. She stated it would be necessary to review the action taken by the Council authorizing execution of an agreement with WildRescue. Councilmember House asked the Council to reconsider the Council's action.

Councilmember Jennings asked if the franchise agreement with Charter Communications would contain provisions relating to development of a studio at the high school. City Manager Lichtig stated a studio was not being contemplated because it was the extension of the existing agreement, not an entirely new agreement.

In response to Councilmember Jennings, City Manager Lichtig explained the status of live television feed from City Hall.

Councilmember Jennings asked the status of the Federal Highway grant funds. City Manager Lichtig discussed the Brad Sherman grant funds and safety improvements along Pacific Coast Highway, including the Traffic Information Emergency Radio. Councilmember Jennings asked about the State budget. City Manager Lichtig stated the League of California Cities summary had not yet been fully analyzed. She stated it was anticipated that the City would receive more than anticipated in the budget.

Councilmember House expressed concern regarding the increases in injuries, property and total collisions. Lt. Gressman stated the statistics were unusual being that citations had increased, but collisions had also increased. Councilmember House asked if there was a correlation between enforcement and accidents. Lt. Gressman indicated she could review the accident times. Councilmember House requested a report back in one month.

Councilmember Jennings stated the Sheriffs have been very visible.

Mayor Kearsley asked about the use of laser for enforcement. City Manager Lichtig explained that one vehicle was replaced with a motorcycle officer. She discussed the overtime costs for motorcycle officers.

Councilmember Jennings asked about the possibility of reopening the Malibu Sheriff's station and suggested the City take a position on desirability of reopening the station. Councilmember Jennings stated he recalled the City Manager was going to draft up something more detailed. City Manager Lichtig indicated she had not drafted additional information. She discussed the financial and control issues involved. She discussed the challenges involved in resolving the cost issue. Councilmember Jennings indicated he felt the reopening would be a benefit to the City.

Councilmember House suggested the Council compile a list of benefits to the City for reopening of the Malibu Sheriff's station.

Councilmember Jennings suggested the City Manager analyze the issue and report back to Council. City Manager Lichtig discussed the financial aspects of the Sheriff's Department proposal. She discussed what benefits the City would receive for different financial outlays.

Councilmember House suggested Lt. Gressman provide input to the Council regarding what would be on the site and what cost burdens would be associated with the project. City Manager Lichtig stated it would make sense for the Sheriff's Department to educate the Council on costs and benefits. She stated staff had informed the Sheriff's Department that the City supported reopening of the station, but without incurring additional costs.

D. Review of Fiscal Year 2003-2004 Council Goals

City Manager Lichtig stated the Council had already indicated it would like to add a Council Goal to seek funding for the purchase of the Chili Cook-Off site. She requested that the Council advise staff regarding what other items the Council would like added or subtracted from the goals list.

Councilmember Jennings stated he was hopeful that the Zoning Ordinance would be revised and that he would like to make those changes before the LCP amendments. He indicated his hope that staff will come forward with changes to bring the IZO into an effective working document. City Manager Lichtig updated the Council on staff's progress and indicated that in the early or late fall staff will bring their suggestions to the Council.

Councilmember Jennings stated one of the biggest goals would be finding the money for the Chili Cook-off site.

Councilmember House asked if Council would like to re-add the goal of the connector trail from Malibu West to Malibu Park.

Grant Consultant Cameron stated the Malibu Bay Company development agreement contained one portion of the trail, but one additional landowner was included. She discussed the need for an easement, which had not yet been obtained.

Councilmember Jennings indicated support for adding the connector trail to Council goals.

Grant Consultant Cameron requested direction on applying for a trails grant.

Councilmember Jennings suggested the Trails Committee be involved in the process. Grant Consultant Cameron stated she would like to have members of the Council meet with the Trails Committee.

Councilmember House requested unfunded goals be indicated in the report. In response to questions from Grant Consultant Cameron, Councilmember House indicated she was referring to Capital projects.

Grant Consultant Cameron provided an update on the wetlands in the Civic Center and securing funding.

ADJOURN At 8:58 p.m., Councilmember Stern moved and Councilmember House seconded a motion to adjourn in honor of Sonia Bonner's retirement. The motion carried unanimously.

Approved and adopted by the City Council of
the City of Malibu on September 22, 2003.

KENNETH KEARSLEY, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)